

1 JOSEPH P. RUSSONIELLO (CSBN 44332)

United States Attorney

2 JOANN M. SWANSON (CSBN 88143)

Chief, Civil Division

3 JENNIFER S WANG (CSBN 233155)

Assistant United States Attorney

4 450 Golden Gate Avenue, Box 36055

5 San Francisco, California 94102-3495

6 Telephone: (415) 436-6967

Facsimile: (415) 436-6748

Email: jennifer.s.wang@usdoj.gov

7 Attorneys for the Federal Defendant

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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13 ESTATE OF DAVID BURKHART, ) No. C 07-5467 PJH

14 Plaintiff, ) **FEDERAL DEFENDANT'S**  
15 v. ) **ADMINISTRATIVE MOTION TO**  
16 UNITED STATES DEPARTMENT OF ) **EXTEND DEADLINE FOR**  
VETERANS AFFAIRS, ) **COMPLETION OF MEDIATION AND**  
17 Defendant. ) **[PROPOSED] ORDER**

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20 Pursuant to Civil Local Rule 7-11 and ADR Local Rule 6-5, defendant moves this court to  
21 extend the deadline for completion of mediation currently set for June 4, 2008 to 90 days after  
22 the court's order on defendant's motion to dismiss.

23 The extension is needed because plaintiff has indicated that she is in the process of securing  
24 legal representation in the above-captioned action. At the ADR phone conference on March 13,  
25 2008, plaintiff informed defendant's counsel and the ADR Unit that she is in the process  
26 obtaining an attorney. The ADR Unit has informed the parties that it will be unable to appoint a  
27 mediator while plaintiff continues to seek legal counsel because potential mediators will be  
28 unable to complete a conflicts check.

Defendant's counsel proposed the extension to plaintiff on April 18, 2008 and May 2, 2008, but was unable to obtain plaintiff's agreement. ( *See* Decl. of Jennifer S Wang In Support of Administrative Motion to Extend Deadline for Completion of Mediation ¶ 3).

No previous extension of the deadline for completing mediation has been requested. Defendant filed a motion to dismiss the above-captioned case on or about April 4, 2008, and noticed the motion for hearing on May 28, 2008. For the above mentioned reasons, the defendant requests the Court to extend the deadline for completion of mediation to 90-days after the Court's order on defendant's motion to dismiss.

Respectfully submitted,

JOSEPH P. RUSSONIELLO  
United States Attorney

Dated: May 13, 2008

/s/

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JENNIFER S WANG  
Assistant United States Attorney

## [PROPOSED] ORDER

The Court, having considered the briefing regarding defendant's administrative motion to extend the deadline for completing mediation in the above-captioned case, it is hereby ordered that the deadline for mediation is extended to 90 days after the Court's Order on defendant's motion to dismiss.

IT IS SO ORDERED.

DATED:

PHYLLIS J. HAMILTON  
United States District Court Judge